



**HISTORIC LANDMARKS COMMISSION  
HEARING SYNOPSIS**

**WEDNESDAY, NOVEMBER 5, 2003**

**Regular Session  
6:00 P.M.**

**City Hall, Room 204  
801 North First Street  
San Jose, CA**

**COMMISSION MEMBERS**

**GLORIA SCIARA, CHAIR  
STEPHEN POLCYN, VICE CHAIR**

**AVELINO LEGASPI  
MICHAEL YOUMANS**

**SANDRA PAIM  
JUSTINE LEONG**

**EDWARD JANKE**

**STEPHEN M. HAASE, AICP, DIRECTOR  
DEPARTMENT OF PLANNING, BUILDING AND CODE ENFORCEMENT**

## **NOTE**

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 277-4576 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting.

## **NOTICE TO THE PUBLIC**

Good evening, my name is **Gloria Sciara**, and I am the Chair of the Historic Landmarks Commission. On behalf of the Commission, I would like to welcome you to tonight's meeting. I will now call to order the **November 5, 2003** meeting of the Historic Landmarks Commission. Please remember to turn off your cell phones and pagers.

When addressing the Commission, please approach the Commission, identify yourself and state your address for our records. After you have finished speaking, please write your name and address on the speaker's list at the table.

### **The procedure for public hearings is as follows:**

- ? After the staff report, applicants may make a five-minute presentation.
- ? Anyone wishing to speak in favor of the proposal should prepare to come forward. Each speaker will have two minutes.
- ? After the proponents speak, anyone wishing to speak in opposition should prepare to come forward. Each speaker will have two minutes.
- ? Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- ? The Commission will then close the public hearing. The Historic Landmarks Commission will take action on the item.

### **The procedure for referrals is as follows:**

- ? Anyone wishing to speak on a referral will be limited to one minute.
- ? Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- ? The Historic Landmarks Commission will comment on the referral item.

**If a Commissioner would like a topic to be addressed under one of the Good and Welfare items, please contact Planning staff in advance of the Commission meeting.**

An agenda and a copy of all staff reports have been placed on the table for your convenience.

## **AGENDA**

### **ORDER OF BUSINESS**

#### **6:00 PM SESSION**

#### **1. ROLL CALL**

**LEONG ABSENT**

#### **2. DEFERRALS**

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the table. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

**The matter of deferrals is now closed.**

#### **3. CONSENT CALENDAR**

##### **NOTICE TO THE PUBLIC**

**The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Historic Landmarks Commission, staff or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please make your request at this time.**

- a. **APPROVAL OF THE OCTOBER 1, 2003 HISTORIC LANDMARK COMMISSION SYNOPSIS.**

**CONSENT CALENDAR APPROVED, (6-0-1) LEONG ABSENT**

- b. **HP03-010. HISTORIC PRESERVATION PERMIT** to construct 299 square foot addition for a single family detached residence in the Hensley Historic District (HD89-51) on a 0.10 gross acre site, in the R-M Multiple Residence Zoning District, located at/on the west side of North 4th Street, approximately 100 feet northerly of Hensley Avenue (459 N 4TH ST) (Warther Mark And Przybysz Jane ). Council District 3. SNI: 13th Street. CEQA: Exempt.

**PROJECT PULLED-OFF CONSENT TO CORRECT STAFF REPORT COPYING ERROR.**

## **RECOMMENDATION**

**PLANNING STAFF RECOMMENDS THAT THE HISTORIC LANDMARKS COMMISSION FIND THAT THE PROPOSAL CONFORMS TO YOUR OLD HOUSE AND THE SECRETARY OF THE INTERIOR'S STANDARDS AND RECOMMEND APPROVAL OF THE PROPOSED EXTERIOR CHANGES TO THE DIRECTOR OF PLANNING STANDARD AND SPECIAL CONDITIONS AS FOLLOW:**

- 1. THE PLAN SET WILL BE REVISED TO INDICATE THE RESTORATION RATHER THAN REPLACEMENT OF THE EXISTING FRONT DOOR.**

**STAFF RECOMMENDATION ADOPTED, (6-0-1) LEONG ABSENT**

**THE CONSENT CALENDAR IS NOW CLOSED.**

## **4. PUBLIC HEARINGS**

- a. **MA03-002. HISTORICAL PROPERTY CONTRACT** for the Twohy Building, City Landmark No. HL01-134, located at 200-210 South First St. (CIM/Twohy LLC, Owner). Council District 3. CEQA: Exempt.

## **RECOMMENDATION**

**PLANNING STAFF RECOMMENDS THAT THE HISTORIC LANDMARKS COMMISSION RECOMMEND THE CITY COUNCIL MAKE THE FOLLOWING FINDINGS AND APPROVE THE PROPOSED HISTORICAL PROPERTY CONTRACT:**

- 1. THE PROPOSED CONTRACT IS CONSISTENT WITH THE GENERAL PLAN LAND USE DESIGNATION OF CORE AREA BECAUSE (1) THE PROPOSED OFFICE USE IS CONSISTENT WITH THE LAND USE/TRANSPORTATION DIAGRAM DESIGNATION OF CORE AREA, AND (2) THE PROPOSAL ENCOURAGES THE CONTINUATION AND APPROPRIATE EXPANSION OF FEDERAL AND STATE PROGRAMS WHICH PROVIDE TAX AND OTHER INCENTIVES FOR THE REHABILITATION OF HISTORICALLY OR ARCHITECTURALLY SIGNIFICANT STRUCTURES.**
- 2. THE PROPOSED CONTRACT PROVIDES GREATER PROTECTION FOR THE LANDMARK PROPERTY THAN IS OTHERWISE PROVIDED BY THE PROVISIONS OF MUNICIPAL CODE CHAPTER 13.48 BECAUSE THE OWNER, IN PARTNERSHIP WITH THE CITY, MAY USE PROPERTY TAX RELIEF TO**

**REHABILITATE AND MAINTAIN THE PROPERTY IN  
ACCORDANCE WITH THE PRESERVATION PLAN, EXHIBIT "C".**

**3. THE PROPOSED CONTRACT COMPLIES WITH THE REQUIRED  
PROVISIONS OF HISTORIC PROPERTY CONTRACTS LISTED  
ABOVE.**

**STAFF RECOMMENDATION ADOPTED, (6-0-1) LEONG ABSENT**

- b. **REVIEW AND DETERMINATION, CIM "HEART OF THE CITY"  
PROJECT**, Second and Santa Clara site, for compliance with the Memorandum  
of Agreement between the City of San Jose, the Redevelopment Agency and the  
State Historic Preservation Office.

**Ruth Shikada and Gerald Greenleaf (SJRA) presented the project. Gerald  
Greenleaf highlighted the changes that had been made to the design based on  
the HLC comments of May 21, 2003 including:**

- ? **A reduction in the number of proposed materials in the palette**
- ? **The simplification of the chevron element**
- ? **Fixed sunshades to replace the earlier fabric awnings on the top floor**
- ? **A five-foot setback from the Hank Coca historic building on Third St.**
- ? **Wrapping the Second St. front façade around the corner to articulate the  
façade adjacent to the two-story Voodoo Lounge historic building.**

**Commissioners discussed the sliding glass doors over the balconies on the  
Third St. façade, the use of copper on the façade, and the lack of another  
Art Deco style building in the National Register District.**

**Commissioner Janke commended the agency and the architects for  
addressing the earlier points made by the Commission and for solidifying  
a successful design approach. He continued to comment that the building  
could exist peacefully in context with the other buildings on the street,  
and that what has occurred here is appropriate. Vice Chair Polcyn  
agreed and said that the building will not adversely impact the historic  
resources. He continued that a definitive style was not as important as the  
materials, massing and scale of the work.**

**A MOTION WAS MADE TO FIND THAT 1) THE PROPOSAL AS  
PRESENTED SATISFIED EARLIER COMMISSION COMMENTS  
AND 2) THE PROPOSAL DOES NOT NEGATIVELY IMPACT THE  
HISTORIC DISTRICT AND IS IN CONFORMANCE WITH THE  
MEMORANDUM OF AGREEMENT. APPROVED, (6-0-1) LEONG  
ABSENT.**

## **5. PETITIONS AND COMMUNICATIONS**

Public comments to the Historic Landmarks Commission on nonagendized items. Each member of the public may address the Commission for up to two minutes. The Commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Historic Landmarks Commission is limited to the following options:

1. Responding to statements made or questions posed by members of the public; or
2. Requesting staff to report back on a matter at a subsequent meeting; or
3. Directing staff to place the item on a future agenda.

**Commissioner Youmans noted a letter he received from the Valley Transit Authority regarding the historic Water Tower formerly at the Diridon Station and asked to have the issue placed on the agenda for the next meeting.**

### **a. VERBAL UPDATE ON JAPANTOWN SURVEY PROJECT**

**Courtney Damkroger stated that the survey committee has selected 3 finalists and will conduct interviews in November. It is expected that work will begin in December.**

### **b. DISTRIBUTION OF HISTORIC LANDMARKS COMMISSION COMMENT LETTER ON THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE BRANDENBURG MIXED USE/NORTH SAN PEDRO HOUSING SITES**

### **c. DISTRIBUTION OF HISTORIC LANDMARKS COMMISSION COMMENT LETTER ON THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR GENERAL ELECTRIC GENERAL PLAN AMENDMENT (GP03-07-07)**

### **d. SELECTION OF HLC MEMBERS TO HLC COMMITTEES INCLUDING COYOTE VALLEY SPECIFIC PLAN AND HABITAT CONSERVATION PLAN TECHNICAL ADVISORY COMMITTEE**

**Commissioner Janke was nominated to serve on the Coyote Valley Specific Plan and Habitat Conservation Plan Technical Advisory Committee**

**Chair Sciara, Vice Chair Polcyn, and Commissioner Leong will serve on the Design Review Committee. Commissioner Janke was nominated as an alternate member. Commissioner Leong is the Chair of the DRC.**

**APPROVED (6-0-1) LEONG ABSENT**

- e. **VERBAL UPDATE ON DESIGN GUIDELINES FOR DOWNTOWN COMMERCIAL HISTORIC DISTRICT AND PROPOSED ZONING CODE AMENDMENT FOR THE DOWNTOWN ZONING REGULATIONS**

Courtney Damkroger stated that the City Council approved the Design Guidelines on November 4, 2003.

- f. **PLANNING AND CONSERVATION LEAGUE AND CITY OF FRESNO CEQA WORKSHOP ANNOUNCEMENT**

Saturday, November 8, 2003, 9:00 am – 2:00 pm, 2233 N. First St., Fresno

- g. **DISCUSSION REGARDING TIMING OF HLC REVIEW OF EAST DOWNTOWN FRAME SURVEY INVENTORY UPDATES, GEOGRAPHIC AREA NO. 4 AND NO. 5**

The properties in these Geographic Areas will be considered by the Commission for addition to the Historic Resources Inventory at the December 3, 2003 meeting.

- h. **DISCUSSION REGARDING DRAFT HP PERMIT AMENDMENT AND ADJUSTMENT PROVISIONS AMENDING CHAPTER 13.48 OF THE MUNICIPAL CODE**

Courtney Damkroger reviewed the proposal for creating the above provisions in the historic preservation ordinance. Vice Chair Polcyn stated his concern that staff with preservation expertise be responsible for reviewing such applications. Damkroger responded that she would check with the City Attorney, but doubted that specification of staff could be incorporated into the Municipal Code. The Commission was in favor pursuing the HP Permit Amendment and Adjustment provisions as described.

- i. **DISTRIBUTION AND APPROVAL OF SYNOPSIS AND DISTRIBUTION OF PROPOSED LETTER FROM 10-23-03 SPECIAL MEETING OF THE HISTORIC LANDMARKS COMMISSION REGARDING GETTING FAMILIES BACK TO WORK, HISTORIC PRESERVATION PROCESS AND ROLE OF THE HISTORIC LANDMARKS COMMISSION—TO BE DISTRIBUTED UNDER SEPARATE COVER.**

The Synopsis from the Special Meeting on October 23, 2003 and the proposed HLC Comment Letter were distributed.

**MOTION TO AUTHORIZE CHAIR SCIARA AND OTHER INTERESTED COMMISSIONERS TO SPEAK AT THE NOVEMBER 18, 2003 CITY COUNCIL MEETING TO REITERATE COMMENTS, APPROVED (6-0-1) LEONG ABSENT**

**6. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES**

- a. **G48 CDBG APPLICATION** for CDBG grant to allow construction of street improvements consisting of new asphalt pavement, curbs, gutters, sidewalks, driveways, streetlighting, storm and sanitary drain facilities, street trees and landscaping, along Elizabeth Street between Hope Street to approximately 116 feet easterly of the Union Pacific Railroad tracks located in the LI-Light Industrial and CN-Commercial Neighborhood Zoning Districts within the Alviso National Historic District. Council District 4. CEQA: Exempt.

**RECOMMENDATION**

**PLANNING STAFF RECOMMENDS THAT THE HISTORIC LANDMARKS COMMISSION MAKE THE FOLLOWING FINDINGS AND TAKE THE FOLLOWING ACTIONS:**

- 1. FIND THAT THE PROPOSED REHABILITATION OF THE ELIZABETH STREET PUBLIC RIGHT-OF-WAY, INCLUSIVE OF MEASURES SUCH AS THOSE RECOMMENDED BY THE HISTORIC LANDMARKS COMMISSION DESIGN REVIEW COMMITTEE TO IMPROVE THE COMPATIBILITY WITH THE HISTORIC NATURE OF THE DISTRICT, IS CONSISTENT WITH STANDARD NO. 9 OF THE SECRETARY OF THE INTERIOR'S STANDARDS.**
- 2. FIND THAT THE PROPOSED PROJECT, INCLUSIVE OF MEASURES SUCH AS THOSE RECOMMENDED BY THE HISTORIC LANDMARKS COMMISSION DESIGN REVIEW COMMITTEE TO IMPROVE COMPATIBILITY WITH THE HISTORIC NATURE OF THE DISTRICT, DOES NOT ADVERSELY EFFECT THE ALVISO NATIONAL REGISTER HISTORIC DISTRICT.**
- 3. REFER THE PROJECT TO THE STATE HISTORIC PRESERVATION OFFICER FOR CONCURRENCE, PURSUANT TO NEPA AND NHPA REQUIREMENTS FOR CDBG FUNDING.**

**Courtney Damkroger introduced the project and Harry Freitas of the Department of Public Works explained that the Department will incorporate the DRC's suggestions into the project in the form of**



- ? lower (20-25') height galvanized street lights
- ? 36' curb-to-curb width reducing the amount of paving required within the 60' Right of Way
- ? an increase in decomposed granite impervious paving behind the curbs
- ? work to decrease the number of street trees by approximately twenty five percent

Commissioner Youmans asked whether the proposal is essentially a continuation of the Hope Street Improvements project around the corner. Harry Freitas replied that Elizabeth Street is a narrower street, which will be better for pedestrians and bicycles, and that Elizabeth Street does not have to be raised like Hope Street did.

Commissioner Youmans asked about the use of rolled curbs. Harry Freitas replied that the Department of Public Works' experience with rolled curbs has been that vehicles drive over them and park on the park strips. Leslie Masunaga expressed concern that the landscape plans indicated no driveway access to the Laine Market located at 996 Elizabeth St. Harry Freitas replied that the landscape plans were not accurate, and that driveway access would be provided for all of the properties on the street.

Vice chair Polcyn stated that the DRC struggled with the project, and that it comes down to how to address the semi-rural district. The Alviso Masterplan appears to have conflicting goals. At the front end, it states that the overall calm character of the bayside village should be maintained, while at the end it states that streets should be improved according to the City of San Jose standards. He stated that he was still unsure about the curbs because they improve drainage and keep people from parking on the park strip, but this project will define the character of the entire district.

Chair Sciara asked how the residents felt about the project. Harry Freitas replied that the Department has worked closely with the residents, and that while they have differences in opinion centered on driveway locations, drainage and street widths, they are fundamentally in favor of the idea of street improvements.

Commissioner Janke moved to approve the project because it was in the greater good to turn the corner in a manner consistent with the Hope Street improvements that it did not adversely impact the District.

**STAFF RECOMMENDATION ADOPTED (6-0-1, LEONG ABSENT)**

- b. **PDC02-102. PLANNING DIRECTOR INITIATED PLANNED DEVELOPMENT REZONING** from LI Light Industrial, R-2 Two-Family Residence, R-1-8 Residence Zoning Districts to A(PD) Planned Development Zoning District to allow up to 95 senior multi-family, 32 single-family affordable

attached residences, and a 4000+ square foot retail space on 2.64 gross acre site, located at/on the northeast corner of San Carlos Street and Buena Vista Avenue (1523 W SAN CARLOS ST), along with **SP03-019. SPECIAL USE PERMIT** (San Carlos Willard Associates, Lp Chris Neale, Owner). Council District 6. SNI: Burbank/Del Monte. CEQA: Exempt.

### **RECOMMENDATION**

**PLANNING STAFF RECOMMENDS THAT THE HISTORIC LANDMARKS COMMISSION MAKE THE FOLLOWING FINDINGS AND TAKE THE FOLLOWING ACTIONS:**

- 1. FIND THAT THE EXISTING STRUCTURES AND ARCHAEOLOGICAL RESOURCES ARE NOT ELIGIBLE FOR THE NATIONAL REGISTER, CALIFORNIA REGISTER OR AS A CITY OF SAN JOSE HISTORIC LANDMARK.**
- 2. FIND THAT THE PROPOSED DEMOLITION OF THE STRUCTURES WILL NOT CREATE A SIGNIFICANT EFFECT ON HISTORICAL RESOURCES PURSUANT TO CEQA.**
- 3. FIND THAT THE PROPOSED PROJECT WILL NOT CREATE A SIGNIFICANT EFFECT ON ARCHAEOLOGICAL RESOURCES PURSUANT TO CEQA.**
- 4. FIND THAT THE PROPOSED PROJECT WOULD NOT RESULT IN A SIGNIFICANT ADVERSE EFFECT TO HISTORIC, CULTURAL OR ARCHAEOLOGICAL RESOURCES ON OR ADJACENT TO THE PROJECT SITE, PURSUANT TO NEPA AND NHPA.**
- 5. RECOMMEND THAT PRIOR TO DEMOLITION ADDITIONAL SUPPLEMENTARY PHOTO-DOCUMENTATION OF FIESTA LANES BE CONDUCTED AS A RECORD OF THE FACILITY.**
- 6. REFER THE PROJECT TO THE STATE HISTORIC PRESERVATION OFFICE (SHPO) FOR CONCURRENCE, PURSUANT TO NEPA AND NHPA REQUIREMENTS FOR FEDERAL ACTIONS.**

**Judi Henderson, PAC SJ Advocacy Committee Chair, said that we never like to see a historic building demolished. We are losing our bowling alleys quickly. PAC SJ asks that the HLC consider designating Fourth Street Bowl as a Historic Landmark in order to preserve at least one bowling alley in the City.**

Vice chair Polcyn stated his appreciation for the Historic Report. He did not find merit in the building, but noted that its use has importance. Vice chair Polcyn suggested obtaining the architect's original drawings as additional documentation.

Commissioner Youmans agreed with Vice chair Polcyn, and added that by far the premiere example of a bowling alley in the City was the Futurama Bowl, which was demolished, although the sign has been rehabilitated. Chair Sciara spoke in defense of the building, noting that modern architecture is often misunderstood, that bowling alleys are good examples of middle class recreational facilities, and that the Historic Consultant rated the building at 64 which is a high level of significance.

**STAFF RECOMMENDATION ADOPTED WITH THE ADDITIONAL CONDITION THAT THE DEVELOPER WORK TO OBTAIN COPIES OF THE ARCHITECT'S ORIGINAL DRAWINGS AS PART OF THE DOCUMENTATION OF THE BUILDING, (6-0-1) LEONG ABSENT**

- c. **ST03-008. STREET RENAMING OF KING ROAD**, a public street, to Martin Luther King Road located between Berryessa Road and Silver Creek Road. Deferred from 10-1-03.

**DEFERRED TO DECEMBER 3, 2003**

**7. GOOD AND WELFARE**

**a. Report from the Redevelopment Agency**

? No Report

**b. Report from the Secretary**

? Status of Circulation of Environmental Review Documents—None

? Draft 2004 HLC meeting dates—no January or July meetings and HLC half-day retreats on March 24, 2004 from 1:00 to 4:30 and September 24, 2004 from 1:00 to 4:30.

? Twohy Building placed on the National Register, October 6, 2003

**c. Commissioners' reports from the Committees**

? Design Review

**NEXT MEETING SCHEDULED FOR NOVEMBER 19, 2003**

? Coyote Valley Specific Plan and Habitat Conservation Plan Technical  
Advisory Committee  
**Commissioner Janke provided a brief summary of the October  
meeting.**

? History San Jose Collections Committee Liaison

**8. ADJOURNMENT**

**APPROVED, (6-0-1) LEONG ABSENT**

## 2003 HISTORIC LANDMARKS COMMISSION MEETING SCHEDULE

DATE	TIME	TYPE OF MEETING	LOCATION
<b>November 5, 2003</b>	<b>6:00 p.m.</b>	<b>Regular Meeting</b>	<b>Room 204</b>
November 19, 2003	12:00 p.m.	Design Review Meeting	Room 400
December 3, 2003	6:00 p.m.	Regular Meeting	Room 205
December 17, 2003	12:00 p.m.	Design Review Meeting	Room 400

### HISTORIC LANDMARKS AGENDA ON THE WEB:

<http://www.ci.san-jose.ca.us/planning/sjplan/Hearings/hearings2003.htm>